

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: BAIR HUGGER FORCED AIR
WARMING DEVICES PRODUCTS
LIABILITY LITIGATION

MDL No. 15-2666 (JNE/DTS)

This Document Relates to:

*O'Haver v. Anesthesia Associates of
Kansas City, P.C., et al.*, No. 19-cv-00920

**PLAINTIFF'S MOTION TO VACATE JUDGMENT AND REMAND THIS ACTION
OR IN THE ALTERNATIVE
TO DIRECT ENTRY OF FINAL JUDGMENT AGAINST DEFENDANTS 3M
COMPANY AND ARIZANT HEALTHCARE, INC. OR
ENTER AN ORDER PERMITTING AN INTERLOCUTORY APPEAL**

COMES NOW Plaintiff Katherine O'Haver, by and through her attorneys of record, and, pursuant to Federal Rule of Civil Procedure (FRCP) 54(b) and 28 U.S.C. § 1332, and for the reasons set forth in her accompanying Memorandum in Support, moves this court to vacate its judgment for a lack of subject matter jurisdiction and remand this action to the Circuit Court of Jackson County, Missouri, or, in the alternative, suggest remand of this case to the United States District Court for the Western District of Missouri pursuant to JPML Rule 10.1(b). In the alternative, Plaintiff moves this court to direct entry of a final judgment pursuant to FRCP 54(b) or, in the alternative, moves this court to enter an order permitting an interlocutory appeal pursuant to 28 U.S.C. § 1292.

Dated: August 28, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 28th day of August, 2019, I electronically filed the foregoing with the clerk of the Court using the CM/ECF system, which will send notice of electronic filing to all counsel of record.

/s/Robert Langdon